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NOTES OF CASES.

PROCESS—COMMENCEMENT OF ACTION BY NOTICE—SEC. 3211, VA. CODE ANNO.—CONFORMITY TO STATE PRACTICE.—In *Leas & McVitty v. Merriman* (C. C., W. D. Va.), 132 Fed. 510, it was held:

Rev. St., sec. 911 (U. S. Comp. St. 1901, p. 683), which provides that "all writs and processes issuing from the courts of the United States shall be under the seal of the court from which they issue and shall be signed by the clerk thereof," does not apply to a notice given under Code Va. 1887, sec. 3211, authorizing a judgment on a contract to be obtained on motion after 15 days' notice to defendant, and the practice thereunder, which is for the plaintiff or his attorney to sign the notice and serve the same on defendant, such a notice not being a "process issuing from the court"; and under the conformity act (Rev. St., sec. 914 [U. S. Comp. St. 1901, p. 684]) an action may be instituted by such a notice in a federal court in Virginia in accordance with the state practice.

The court says that it seems that notices in ejectment under sec. 2732, Va. Code Anno., and notices of motion for judgment under sec. 3211 are not "processes" within the meaning of Rev. St., sec. 911, citing *Whitney v. Blackburn*, 17 Or. 564, 21 Pac. 874, 11 Am. St. Rep. 857. See, also, *Union Central Life Ins. v. Pollard*, 94 Va. 146, 151, 26 S. E. 421; 36 L. R. A. 271, Am. St. Sep. 715.

RAILROADS—RELATION TO EMPLOYE OF EXPRESS COMPANY—CONTRACT FOR CARRIAGE.—In *Chicago & N. W. R. R. Co. v. O'Brien* (C. C. A., Eighth Circuit), 132 N. W. 593, it was held:

An express messenger, while riding in a car furnished by a railroad company to the express company by which he is employed, under a contract by which the employees therein are carried free, occupies a relation to the railroad company analogous to that of one of its own employees, and the care which such company owes him in respect of its track, engine, cars, and the operation of its train is measured by that which it owes to those in its immediate service, citing *R. R. v. Voight*, 176 U. S. 498, 20 Sup. Ct. 385, 44 L. Ed. 560.

PARENT AND CHILD.—A child is held in *McKelvey v. McKelvey* (Tenn.), 64 L. R. A. 991, to have no right of action to recover damages against his father and stepmother for cruel and inhuman treatment inflicted upon him by the latter with consent of the former.

BANKRUPTCY—JURISDICTION—ADVERSE CLAIM—SUMMARY PROCEEDINGS.—A bankruptcy court has jurisdiction to determine in the first instance whether an asserted adverse claim to property alleged to be part of the bankrupt's estate is colorable or actual.

Where such claim is merely colorable it should be set aside and the